

**IN THE UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF TENNESSEE  
COLUMBIA DIVISION**

CARL EVANS,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil No. 1:10-0100
	)	Judge Trauger
GRAPHIC PACKAGING,	)	Magistrate Judge Knowles
	)	
Defendant.	)	

**MEMORANDUM and ORDER**

On October 2, 2012, the Magistrate Judge issued a Report and Recommendation (Docket No. 38), to which the plaintiff has filed a “Request For Reconsideration” (Docket No. 41), which the court will construe as objections to the Report and Recommendation, to which document the defendant has filed a Response (Docket No. 42).

This Report and Recommendation recommends that the defendant’s Motion For Summary Judgment (Docket No. 34) be granted. When a magistrate judge issues a report and recommendation regarding a dispositive pretrial matter, the district court must review *de novo* any portion of the report and recommendation to which a specific objection is made. FED. R. Civ. P. 72 (b); 28 U.S.C. § 636(b)(1)(C); *United States v. Curtis*, 237 F.3d 598, 603 (6th Cir. 2001); *Massey v. City of Ferndale*, 7 F.3d 506, 510 (6th Cir. 1993). Objections must be specific; an objection to the report in general is not sufficient and will result in waiver of further review. *See Miller v. Currie*, 50 F.3d 373, 380 (6th Cir. 1995).

The plaintiff’s objection document makes no specific objections and must be construed as a general objection to the Report and Recommendation. As stated above, general objections

are not sufficient and result in waiver of further review. Moreover, the plaintiff asserts that he “did respond to the material facts by the defendant stating that all material facts were untrue. . .” (Docket No. 41 at 1), but this assertion is without merit. The court has reviewed what has been described as the plaintiff’s response to the summary judgment motion (Docket No. 35), and it does not contain a denial of the Defendant’s Concise Statement of Material Facts (Docket No. 34-1), which lists 36 material facts covering some eight pages. Local Rule 56.01(c) prescribes a very precise way in which a party is to respond to the other party’s concise statement of material facts as follows:

Any party opposing the motion for summary judgment must respond to each fact set forth by the movant by either (i) agreeing that the fact is undisputed; (ii) agreeing that the fact is undisputed for the purpose of ruling on the motion for summary judgment only; or (iii) demonstrating that the fact is disputed. Each disputed fact must be supported by specific citation to the record. The response must be made on the document provided by the movant or on another document in which the non-movant has reproduced the facts and citations verbatim as set forth by the movant. In either case, the non-movant must make a response to each fact set forth by the movant immediately below each fact set forth by the movant. If the movant has not provided sufficient space to enable the non-movant to respond, the non-movant may attach a separate sheet or sheets of paper. Such response shall be filed with the papers in opposition to the motion for summary judgment. In addition, the non-movant’s response may contain a concise statement of any additional facts that the non-movant contends are material and as to which the non-movant contends there exists a genuine issue to be tried. Each such disputed fact shall be set forth in a separate, numbered paragraph with specific citations to the record supporting the contention that such fact is in dispute.

The plaintiff did not comply with this Local Rule and he did not even make a general statement of denial of all 36 concise facts, as he claims to have done.

The Magistrate Judge performed an extremely thorough review and analysis of the record in this case, and the plaintiff’s objection document does not in any way counter the Magistrate

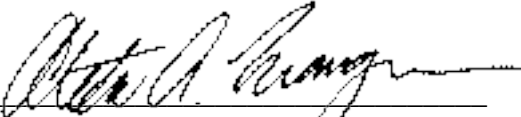
Judge's recommendation. Therefore, to the extent that the plaintiff's filing constitutes objections to the Report and Recommendation, the objections are **OVERRULED**.

For the reasons expressed in the Report and Recommendation, it is hereby **ORDERED** that the defendant's Motion For Summary Judgment (Docket No. 34) is **GRANTED**, and this case is **DISMISSED WITH PREJUDICE**. The trial scheduled before Judge Trauger on December 18, 2012 is **CANCELLED**, and the pretrial conference scheduled before Magistrate Judge Knowles on December 14, 2012 is likewise **CANCELLED**.

This Order constitutes the judgment in this case.

It is so **ORDERED**.

ENTER this 5<sup>th</sup> day of December 2012.

  
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ALET A. TRAUGER  
U.S. District Judge